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16 **UNITED STATES DISTRICT COURT**

17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

18 Elaine L. Chao, Secretary of Labor,  
19 United States Department of Labor,

20 Plaintiff,

21 vs.

22 Local 6434, United Long-Term Care  
23 Workers' Union, Service Employees  
24 International Union,

25 Defendants.

} Case No.: CV 08-6838 PSG (JWJx)  
} **STIPULATION REGARDING**  
} **SETTLEMENT AND REQUEST**  
} **FOR THE COURT TO RETAIN**  
} **JURISDICTION AND TO VACATE**  
} **TRIAL DATE AND PRETRIAL**  
} **DATES**  
} [PROPOSED] Order Lodged  
} Concurrently Herewith  
} Trial Date: November 18, 2009

- 1       1. On October 17, 2008, plaintiff, the Secretary of Labor, United States  
2           Department of Labor (hereinafter, the “Secretary”) filed this lawsuit  
3           requesting a judgment declaring the April 28, 2008 election of union officers  
4           conducted by defendant Local 6434, United Long-Term Care Workers’  
5           Union, Service Employees International Union (“Local 6434”) null and  
6           void, and directing Local 6434 to conduct a new election and new  
7           nomination for those offices under the supervision of the Secretary.
- 8       2. The parties have reached a final settlement of this action. Local 6434 has  
9           agreed to conduct a new election of union officers under the supervision of  
10          the Secretary to be completed no later than March 31, 2010.
- 11      3. The trial date is currently November 18, 2009.
- 12      4. In light of this settlement, the parties hereby stipulate and request that (1) the  
13          Court retain jurisdiction of this action to certify the supervised election; and  
14          (2) vacate the trial date and pretrial dates.

15  
16       IT IS SO STIPULATED that:

- 17      (1)The parties request that the Court retain jurisdiction of this action. After the  
18           completion of the supervised election, the Secretary shall certify to the Court  
19           the names of the persons so elected, that such election was conducted in  
20           accordance with Title IV of the Labor-Management Reporting and  
21           Disclosure Act of 1959 (“LMRDA”), and, insofar as lawful and practicable,  
22           that the election was conducted in accordance with the provisions of the  
23           Constitution and Bylaws of Local 6434, and the Constitution and Bylaws of  
24           SEIU. Upon approval of such certification by the Court, the Court shall  
25           enter judgment declaring that such persons have been elected as shown by  
26           such certification, pursuant to 29 U.S.C. § 482(c)(2) of the LMRDA.
- 27      (2)By entering into a stipulation of settlement, the parties have resolved the  
28           controversy between them, and the only issue remaining is certification of

1 the supervised election as provided for in the paragraph above. The parties,  
2 therefore, request that the Court vacate the November 18, 2009, trial date,  
3 and any pretrial filings and procedures associated with the trial.  
4

5 Dated: November 3, 2009.

6 Respectfully Submitted,

7 GEORGE S. CARDONA  
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9 LEON W. WEIDMAN  
Assistant United States Attorney  
Chief, Civil Division

11 /s/ Chung H. Han  
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18 /s/ Linda Lye  
19 LINDA LY

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